

**Transcript of the Testimony of
KATHLEEN MARIE MCGUFFIN**

Date: September 8, 2023

Case: MCGUFFIN v. DANNELS, et al.

Case No.: 6:20-cv-01163 MK

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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
EUGENE DIVISION
NICHOLAS JAMES MCGUFFIN, as an) CIVIL NO.
individual and as guardian) 6:20-cv-01163-MK
of S.M., a minor,)
Plaintiffs,)
vs.)
MARK DANNELS, PAT DOWNING,)
SUSAN HORMANN, MARY KRINGS,)
KRIS KARCHER, SHELLY MCINNES,)
RAYMOND MCNEELY, KIP OSWALD,)
MICHAEL REAVES, JOHN RIDDLE,)
SEAN SANBORN, ERIC)
SCHWENNINGER, RICHARD WALTER,)
CHRIS WEBLEY, ANTHONY WETMORE,)
KATHY WILCOX, CRAIG ZANNI,)
DAVID ZAVALA, JOEL D. SHAPIRO)
AS ADMINISTRATOR OF THE ESTATE)
OF DAVID E. HALL, VIDOCQ)
SOCIETY, CITY OF COOUILLE,)
CITY OF COOS BAY, and COOS)
COUNTY,)VIDEOTAPED DEPOSITION
Defendants.)OF
VIDOCQ SOCIETY,)KATHLEEN MARIE MCGUFFIN
Cross-Claimant,)
vs.)
MARK DANNELS, PAT DOWNING,)
SUSAN HORMANN, MARY KRINGS,)
KRIS KARCHER, SHELLY MCINNES,)
RAYMOND MCNEELY, KIP OSWALD,)
MICHAEL REAVES, JOHN RIDDLE,)
SEAN SANBORN, ERIC)
SCHWENNINGER, RICHARD WALTER,)
CHRIS WEBLEY, ANTHONY WETMORE,)
KATHY WILCOX, CRAIG ZANNI,)
(caption continues on next page)

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1 DAVID ZAVALA, JOEL D. SHAPIRO)
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 3 OF DAVID E. HALL, VIDOCQ)
 4 SOCIETY, CITY OF COOUILLE,)
 5 CITY OF COOS BAY, and COOS)
 6 COUNTY)
 7 Cross-Defendants.)
 NICHOLAS JAMES MCGUFFIN, as an)
 individual and as guardian)
 ad litem, on behalf of S.M.,)
 a minor,)
 Plaintiff,)
 vs.)
 OREGON STATE POLICE,)
 Defendant.)
 12
 13
 14
 15
 16 VIDEOTAPED DEPOSITION OF KATHLEEN MARIE MCGUFFIN
 Taken on behalf of the Plaintiff, at 27-2168 Hawaii
 Bell Road, Papaikou, Hawaii, commencing at 10:07 a.m.
 HST/1:07 p.m. PDT, on Friday, September 8, 2023,
 pursuant to Notice.
 21
 22
 23 REPORTED BY:
 24 TERI HOSKINS, CSR. NO. 452
 Registered Merit Reporter
 25

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 13
 14 ALSO PRESENT:
 15 NICHOLAS MCGUFFIN
 16 MARY MARVIN PORTER, VIDEOGRAPHER
 17
 18
 19
 20
 21
 22
 23
 24
 25

1 (Pages 1 to 4)

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Exhibit 21, Page 2 of 10

	Page 5		Page 7
1	CONTENTS		
2	DEPONENT	PAGE	
3	KATHLEEN MARIE MCGUFFIN		MS. JONES: Rachel Jones on behalf of Vidocq
4	EXAMINATION BY MS. PURACAL	7	Society.
5	EXAMINATION BY MR. FRANZ	84	MR. DEFREEST: Eric DeFreest on behalf of
6	EXAMINATION BY MR. MARSHALL	98	Richard Walter.
7	EXAMINATION BY MS. JONES	105	VIDEOGRAPHER: Will the counsel for the
8			plaintiff please introduce themselves.
9			MS. PURACAL: Janis Puracal on behalf of
10	EXHIBITS		Plaintiffs.
11	DEPOSITION EXHIBIT	PAGE	MR. LAUERSDORF: Andrew Lauersdorf on behalf
12	Exhibit 1 Photograph of Nick and Leah	12	of Plaintiff.
13	Exhibit 2 Phone records		VIDEOGRAPHER: Will the court reporter
14	Exhibit 3 Gas records		please swear in the witness at this time.
15	Exhibit 4 Photographs, going to visit dad		
16	Exhibit 5 Photographs, V. growing up		KATHLEEN MARIE MCGUFFIN,
17	Exhibit 6 Video		having been first duly sworn or affirmed to tell the
18			truth, the whole truth, and nothing but the truth, was
19			examined and testified as follows:
20			
21			EXAMINATION
22			BY MS. PURACAL:
23			Q. All right, Mrs. McGuffin.
24			A. Yes.
25			Q. Can you give us your full name and spelling
			for the record.
			A. Kathleen Marie McGuffin, K-a-t-h-l-e-e-n,
	Page 6		Page 8
1	Friday, September 8, 2023		M-a-r-i-e, M-c-G-u-f-f-i-n.
2	10:07 a.m. HST/1:07 p.m. PDT		Q. How are you related to Nicholas McGuffin?
3			A. Nicholas is my son.
4	VIDEOGRAPHER: Good morning. This is the		Q. When was Nick born?
5	videotaped deposition of Kathy McGuffin taken by the		A. He was born April 25th, 1982.
6	Plaintiff in the matter of Nicholas James McGuffin		Q. And where was he born?
7	versus Mark Dannels, et al., Case No. 6:20-cv-01163-MK		A. In Portland, Oregon.
8	in the U.S. District Court for the District of Oregon,		Q. Besides Nick, how many other children do you
9	Eugene Division.		have?
10	The video deposition is being held at		A. One.
11	27-2168 Hawaii Belt Road, Papaikou, Hawaii 96781. The		Q. What is his name?
12	video deposition is being held on September the 8th,		A. Wayne McGuffin.
13	2023, at 10:07 a.m.		Q. How old is Wayne?
14	The court reporter is Teri Hoskins from the		A. Wayne is 43.
15	firm of Island Court Reporter. Videographer is Mary		Q. How are you related to V.M.?
16	Marvin Porter of Island Eyes Video.		A. V. is my granddaughter.
17	Will the counsel for the defendant please		Q. And besides V., how many grandchildren do
18	introduce themselves.		you have?
19	Can they do that -- hear me?		A. One other grandchild, so two all together.
20	MS. PURACAL: Did the defendants want to		Q. Where are you currently living?
21	start, on Zoom, by introducing yourself?		A. In Orchidland, in Hawaii, on the Big Island.
22	MR. FRANZ: Robert Franz for the municipal		Q. How long have you lived in Hawaii?
23	defendants.		A. A little over a year.
24	MR. MARSHALL: Todd Marshall on behalf of		Q. Where did you live before Hawaii?
25	the State defendants.		A. In Coquille, Oregon.

2 (Pages 5 to 8)

<p style="text-align: right;">Page 13</p> <p>1 extra clothes on her -- on her back, so Nick and I 2 were taking pictures, and we turned around, and she 3 had put on a set of Nick's blue jeans and his football 4 Jersey, so... 5 Q. Was that -- high school. You said senior 6 photos. Was that Nick's senior photos? 7 A. Nick's senior photos, yes. 8 Q. Did you get a chance to observe Nick and 9 Leah together? 10 A. Yes. 11 Q. What were they like together? 12 A. They were -- they were very good together. 13 They had a couple squabbles -- you'd hear them 14 squabble -- but it was nothing major, and -- no, they 15 got along very good. They enjoyed going places 16 together and just being together. 17 Q. Did you ever see them fight? 18 A. Just arguments. 19 Q. Ever any physical violence? 20 A. Never any physical. 21 Q. Let's talk about the summer of 2000 before 22 Leah went missing. 23 In June of 2000, did -- 24 MR. FRANZ: Excuse me, Janis. 25 MS. PURACAL: Yes.</p>	<p style="text-align: right;">Page 15</p> <p>1 A. Yes, he did. 2 Q. What car was that? 3 A. That was a Ford Thunderbird. 4 Q. What color was the Thunderbird? 5 A. It was maroon, and it was an older edition, 6 too. It wasn't old as the Mustang, but it was an 7 older vehicle too. 8 Q. Why did Nick have access to the Thunderbird? 9 A. He -- the Mustang had a gas leak in it, so 10 he was driving the -- it was -- Bruce's car was the 11 Thunderbird, so he was driving Bruce's car, because 12 his tank leaked. 13 Q. At some point, did Bruce take away the keys 14 to the Thunderbird? 15 A. Yes, he did. It was the Monday night before 16 Leah disappeared. Him and Bruce had met up at -- at 17 home. We were there, and he was upset with Nick 18 because he hadn't done -- applied for the jobs that he 19 was supposed to be applying for; and so he took -- 20 took the keys away and told him he didn't get the 21 T-bird back until he got a job. 22 Q. And how do you know that -- that Bruce took 23 those keys away? 24 A. Because I was right there. 25 Q. Do you know where those keys were placed?</p>
<p style="text-align: right;">Page 14</p> <p>1 MR. FRANZ: Could you speak a little bit 2 slow -- slower? Because we're getting a delay -- 3 MS. PURACAL: Oh, sure. Yeah. 4 MR. FRANZ: -- so the words are merging 5 together. 6 MS. PURACAL: Sure. We'll try and -- we'll 7 try and do better. 8 BY MS. PURACAL: 9 Q. Okay. We're going to talk about the summer 10 of 2000. 11 A. Okay. 12 Q. In June of 2000, did Nick have his own car? 13 A. Yes. 14 Q. What kind of car did he have? 15 A. He had a blue older-model Mustang. 16 Q. And do you know what year that was? 17 A. It was a '68 or '69. I think it's '68. I'm 18 not positive. 19 Q. Where did he get that car? 20 A. Dad bought it for him. 21 Q. So your dad. That would be his grandfather? 22 A. I believe so, yes. 23 Q. In June of 2000, in the weeks before Leah 24 went missing, did Nick have access to one of Bruce's 25 cars?</p>	<p style="text-align: right;">Page 16</p> <p>1 A. Yes. They were placed in the headboard of 2 our -- in our bedroom, in our -- mine -- Bruce and my 3 bedroom. 4 Q. Did you see them there? 5 A. Yes, I did. 6 Q. In June of 2000, did you have a vehicle? 7 A. Yes, I did. 8 Q. What kind of vehicle did you have? 9 A. It was a burnt orange Ford Ranger, a little 10 pickup. 11 Q. Do you remember what day Leah disappeared? 12 A. Yeah, June 28th, 2000. 13 Q. Did you work that day? 14 A. Yes, I did. 15 Q. What time did you get home from work? 16 A. I got home probably 4:00 to 4:30. 17 Q. Who was at home when you got there? 18 A. Bruce. 19 Q. Anybody else? 20 A. Nope. 21 Q. So Nick wasn't there? 22 A. No. 23 Q. What did you do that evening? Do you 24 remember? 25 A. Yep. It was -- come home, just kind of</p>

4 (Pages 13 to 16)

<p style="text-align: right;">Page 17</p> <p>1 relax for a few, ate dinner, and watched TV, and then 2 probably about 9:00, 9:30, went to bed. 3 Q. Do you remember if you were on call at that 4 point in time? 5 A. That evening, I -- I would have went on 6 call. 7 Q. Okay. Can you tell us what it means to be 8 on call? 9 A. On call is a -- smaller hospitals do it, 10 because they don't staff a position throughout the 11 night, and so they just take from the regular staff 12 and they take call; they're able to be at home. And 13 they just call you when they need an x-ray -- I'm an 14 x-ray tech -- and just when they need you, then you go 15 in and do -- do what they wanted. 16 Q. Okay. So on that night, the night of 17 June 28th, 2000, you were on call -- 18 A. Yes. 19 Q. -- that night? 20 What do you remember about that night after 21 you went to bed? 22 A. Let's see. Went to bed at 9:00, 9:30. It 23 was probably about 10:15 or so, phone rang. We 24 were -- Bruce and I were in bed, and it was Nick. He 25 was wondering if Leah had called or we had heard from</p>	<p style="text-align: right;">Page 19</p> <p>1 A. Uh-huh. 2 Q. -- that night, did you know the time at that 3 time? Did you look at a clock? 4 A. I think it was on -- on the phone. Yes. 5 Q. Okay. And do you remember the exact time 6 that you got that call? 7 A. No, I don't know the exact time. 8 Q. Would it help to refresh your recollection 9 if you looked at your phone records? 10 A. Probably, yes. 11 Q. Okay. I'm going to hand you what I have 12 marked as Exhibit 2. I'm going to hand you this so 13 that you can look at the time, and then I'm going to 14 take it away from you and I'm going to ask you the 15 question again. 16 A. Okay. 17 Q. And we're looking for June 28th, 2000. 18 MR. FRANZ: I'm going to object. The 19 document is hearsay. 20 THE WITNESS: There we go, 6/28/00, 10:44. BY MS. PURACAL: 21 Q. And I'm not -- I'm going to take that away from you -- 22 A. Oh, sorry. 23 Q. -- and I'm going to ask you the question</p>
<p style="text-align: right;">Page 18</p> <p>1 her, and that he was looking for her, and that was it. 2 And we hung up and then went back to bed. 3 Probably, then, about 2 -- between 2:00 and 4 2:30 -- not exact, but -- Nick came home, and it was 5 Nick, because he walked by our bedroom door, which are 6 adjacent to each other, and he said "I'm home" or "I'm 7 here," and -- and then I went back to bed. Bruce was 8 still in bed. 9 And around 4:00 -- 4:00 to 4:30, I got a 10 phone call. I answered it right away, because I was 11 on call; and it was some random person calling, and I 12 don't remember what they said, but -- then they hung 13 up. And then at that point, both Nick and Bruce had 14 got up. Nick got up because he wanted to know who was 15 on the phone, and Bruce went to the bathroom. And we 16 told Nick who was on the phone, and then we all went 17 back to bed. He took the hand phone from the living 18 room phone and took it to bed with him so he could 19 answer the phone. And then that was the night. 20 Q. Okay. I'm going to back up a little bit -- 21 A. Okay. 22 Q. -- and ask you some details about that. 23 A. Okay. 24 Q. So that call that you said that you got at about 10:00-something --</p>	<p style="text-align: right;">Page 20</p> <p>1 again. 2 Do you remember the exact time that you got 3 the phone call? 4 A. Yes, I do now. 5 Q. What's the exact time you got the phone 6 call? 7 A. 10:44 p.m. on June 28th. 8 Q. In June of 2000, you had a 1-800 number. Is 9 that right? 10 A. Yes. 11 Q. And why did you have that 1-800 number? 12 A. We had the 1-800 number -- my husband was 13 a -- was a truck driver, so he was either long hauling 14 or driving a long truck, and it just made him -- 15 easier when he was out on the road to have a number 16 that he could just dial and be direct to our house, 17 because there was no cell -- we didn't have cell 18 phones then. 19 Q. Did Nick also have access to that 800 20 number? 21 A. Yes, he did. 22 Q. At that time, that 10:44 p.m. time, when you 23 got that phone call from Nick, was Bruce there with you? 24 A. Yes.</p>

5 (Pages 17 to 20)

<p style="text-align: right;">Page 21</p> <p>1 Q. Where was he? 2 A. He was in bed. 3 Q. Did Bruce leave the house after that call? 4 A. No, he did not. 5 Q. Did you go back to sleep after Nick called? 6 A. Yes. 7 Q. And tell me a little bit about your -- I 8 guess your sleep pattern at that point in time. Were 9 you a light sleeper? A heavy sleeper? 10 A. I'm generally -- 11 MR. FRANZ: Excuse me. Excuse me. Jan, I 12 can't understand your question. I'm sorry. 13 MS. PURACAL: That's okay. 14 MR. FRANZ: Could you slow it down? 15 MS. PURACAL: That's -- 16 MR. FRANZ: It was good, but it -- 17 VIDEOGRAPHER: Who's that talking? 18 MR. FRANZ: -- I can't under- -- 19 VIDEOGRAPHER: Can you turn their volume 20 down? There's so much -- 21 MS. PURACAL: Yes. We're going to turn the 22 volume down a little bit on the Zoom here, a little 23 bit, but I can hear you still, Robert. And so I will 24 slow my questions down again. 25</p>	<p style="text-align: right;">Page 23</p> <p>1 A. He was in bed. 2 Q. Next to you? 3 A. Yes. 4 Q. Did Nick come home at any point before that 5 time? 6 A. Before the 2:30, no. 7 Q. And then you also talked about that phone 8 call that you got between 4:00 and 4:30 in the 9 morning. 10 A. Yes. 11 Q. At that point in time, was Bruce still in 12 bed next to you? 13 A. Yes, he was. 14 Q. And was Nick still at home asleep? 15 A. I don't know if he was sleeping, but he was 16 home. 17 Q. Okay. Do you remember what time you woke up 18 to get ready for work the next morning? 19 A. It was probably between 7:00 and 7:30. 20 Q. And at that point, was Nick still at home? 21 A. Yes. 22 Q. And was Bruce still at home? 23 A. Yes. 24 Q. What do you remember about that morning 25 while you were getting ready for work?</p>
<p style="text-align: right;">Page 22</p> <p>1 BY MS. PURACAL: 2 Q. Okay. We were talking there about after 3 that 10:44 p.m. call. 4 A. Yes. 5 Q. And I asked you if you had gone back to 6 sleep. 7 A. And yes, I did. 8 Q. Okay. Were you a light sleeper at that 9 point? 10 A. Yes. 11 Q. Why was that? 12 A. Mostly I'm a light sleeper, because Nick was 13 gone, and when they get home, I feel safe that they're 14 fine; but mostly, also, too, I'm on call for the 15 hospital, and I was that night, and it's just a normal 16 feeling, when you're on call; you know the phone is 17 going to ring, so you kind of anticipate it. 18 Q. And then you talked next about that -- that 19 time between 2:00 and 2:30 in the morning when Nick 20 came home. 21 A. Uh-huh. 22 Q. At that point in time, was Bruce still there 23 with you? 24 A. Yes, he was. 25 Q. Where was he?</p>	<p style="text-align: right;">Page 24</p> <p>1 A. I got ready, and I was just heading out the 2 door. The phone rang, and it was Cory, Leah's mother, 3 and she wanted to talk to -- wanted to know if Leah 4 was here, and then she wanted to talk to Nick, and 5 then told him that she hadn't come home. And Nick 6 said, "Okay, I'll -- give me a few minutes. I'll be 7 right there," and then he left and went over to Cory's 8 house, and then I went to work. 9 Q. At some point, did you become aware that the 10 police suspected that Bruce was involved in Leah's 11 murder? 12 A. Yes. 13 Q. Did you see Bruce leave the house at any 14 point on the night of June 28th, 2000? 15 A. Not at all. He did not leave. 16 Q. What about your other son, Wayne? Was he 17 living with you on June 28th, 2000? 18 A. No. He was living with my sister, who lives 19 over in North Bend, and was living there full-time. 20 Q. And North Bend is a different town? 21 A. Yes. 22 Q. Did you provide information to the police 23 about where Bruce was on the night of June 28th, 2000? 24 A. Yes. At some point I did. 25 MR. FRANZ: Object to the form of the</p>

6 (Pages 21 to 24)

<p style="text-align: right;">Page 25</p> <p>1 question. It's vague. 2 BY MS. PURACAL: 3 Q. You can go ahead if you understand my 4 question. 5 A. Ask it again, please. 6 Q. Sure. 7 I asked if you -- at some point, did you 8 provide information to the police about where Bruce 9 was on the night of June 28th? 10 A. Yes. Definitely. 11 Q. At some point, did you also become aware 12 that the police suspected that Nick switched cars on 13 the night that Leah disappeared? 14 A. Yes. 15 Q. When you came home from work on June 28th, 16 2000, did you see the marine -- the maroon 17 Thunderbird? 18 A. Yes. 19 Q. Where was it? 20 A. Parked in the driveway. 21 Q. And can you just explain to us what the 22 driveway looks like? 23 A. We have -- our house sits right here. It's 24 a long house. And then you come up the driveway, and 25 you just pull in right in front of the house. There's</p>	<p style="text-align: right;">Page 27</p> <p>1 information about where the Thunderbird was parked on 2 the night of June 28, 2000? 3 A. Yes. 4 Q. What about your Ranger pickup? Where was 5 that on the night of June 28th, 2000? 6 A. It was parked in the front, adjacent to the 7 Thunderbird. 8 Q. Who had the keys to that truck on that 9 night? 10 A. I did. 11 Q. Did you ever give Nick the keys to use the 12 truck that night? 13 A. That night, no. 14 Q. Why was that? 15 A. Because I was on call for the hospital, and 16 if they called, I had to go immediately, so I needed 17 transportation. 18 Q. Did you provide the police with information 19 about where the Ranger was parked on the night of 20 June 28, 2000? 21 A. Yes. 22 Q. You had a Cardlock account to get gas for 23 the cars? 24 A. Yes. 25 Q. That was back in 2000?</p>
<p style="text-align: right;">Page 26</p> <p>1 steps right here, and you go right in the door right 2 here, and -- so it's just right outside the front 3 door. 4 Q. And where did you park in relation to the 5 stairs? 6 A. I parked adjacent to the Thunderbird, with a 7 space in between. 8 Q. So did you have to pass by the 9 Thunderbird -- 10 A. Yes. 11 Q. -- to get in the house? 12 Did you see the Thunderbird leave your 13 driveway at any point that night? 14 A. No. 15 Q. Do you know where the keys to the 16 Thunderbird were on the night of June 28th, 2000? 17 A. Yes. They were still in the bed head -- or 18 headboard of -- in the bedroom of our bedroom. 19 Q. Did you see them there? 20 A. Yes. 21 Q. Did you inform the police, or did you 22 provide the police with information about Bruce taking 23 away the keys to the Thunderbird? 24 A. Yes. 25 Q. Did you also provide the police with</p>	<p style="text-align: right;">Page 28</p> <p>1 A. Yes. 2 Q. Can you explain to us, what is a Cardlock 3 account? 4 A. It's mostly for truck drivers. They can -- 5 their families can use it also, and it's just a gas 6 station that you can go to. There's no attendant, so 7 you have to pump your own gas. And it's all 8 computerized, and it goes to the -- the billing, and 9 then you can just stop there and pump your gas at any 10 hour of the night. 11 Q. How did it work? Did you have to have the 12 card or a code? 13 A. I think you had to have both. You put a 14 card in, and then I think you had to punch a code 15 after that. 16 Q. And why did you have that Cardlock account? 17 A. The Cardlock account was same reason for the 18 800 number. It made it easier for Bruce on the 19 highway, because when he stops and refills, it's 20 hundreds and hundreds of dollars, and it just made it 21 easier to do it that way and then just get a bill at 22 the end of the month. 23 Q. Did Nick have access to that Cardlock 24 account? 25 A. Yes, he did.</p>

7 (Pages 25 to 28)

<p style="text-align: right;">Page 29</p> <p>1 Q. Did you see the account statement for the 2 Cardlock account for June of 2000? 3 A. Yes. 4 Q. Do you know the exact time that your 5 Cardlock account was accessed on the night of 6 June 28th, 2000? 7 A. No, I just know it was accessed that night. 8 Q. Would it help to refresh your recollection 9 if you saw a copy of that account statement? 10 A. Probably. 11 Q. Okay. I'm going to -- we're going to do the 12 same thing we did last time. 13 A. Uh-huh. 14 Q. We're going to show you this, what I've got 15 marked as Exhibit 3, and then I'm going to take it 16 away from you and I'm going to ask you the question 17 again. 18 A. Okay. 19 Q. Okay. And we're looking for the time that 20 it was accessed on June 28th, 2000. 21 MR. FRANZ: Okay. Let me make an objection. 22 I'll make an objection as to all exhibits not timely 23 provided, and then I'm going to make an objection lack 24 of foundation, as to this exhibit, and hearsay. 25 MR. MARSHALL: Lack of foundation.</p>	<p style="text-align: right;">Page 31</p> <p>1 try to get the word out about Leah missing? 2 A. Yes. We -- yes, we -- I did. I helped 3 Nick -- the first thing we did was make fliers, and 4 then we were able to get -- a friend of ours owns a 5 store that has a copier, so we were able to get a 6 bunch of color copies out there. Did that. I didn't 7 do a lot of searching like Nick -- and my husband 8 helped him a few times, but I didn't, because I was 9 working and -- but I helped with the fliers and all 10 that. 11 Q. Did you -- you mentioned Nick and your 12 husband out searching for Leah. 13 Did you ever see Nick out searching for Leah 14 with anyone else? 15 A. Yes. He was out with -- at the beginning 16 with Maggie Downs, Brent Bartley and him spent a lot 17 of time searching, and then he was with Denise, who 18 was Leah's sister, at the beginning, too. 19 Q. How was Nick's mood during those first few 20 weeks of looking for Leah? 21 A. Very distraught, no sleep, so he was just 22 not with it a lot of times, just tired because he 23 wasn't getting any rest, anxious because he wanted to 24 find Leah. 25 Q. Did you think that Leah had just run away?</p>
<p style="text-align: right;">Page 30</p> <p>1 Objection, lack of foundation and hearsay. 2 BY MS. PURACAL: 3 Q. And I'm -- 4 MR. FRANZ: Beg your pardon? 5 BY MS. PURACAL: 6 Q. I'm going to go ahead and take that away 7 from you. 8 Can you tell me what time was your Cardlock 9 account accessed on the night of June 28, 2000? 10 A. 10:44. 11 Q. Do you want to look at that again? 12 A. Yeah. My memory is getting to me. Sorry. 13 Q. That's okay. 14 A. Okay. June 28th. 15 Q. Okay. Now can you tell me what time was 16 your Cardlock account accessed on the night -- 17 A. 10:19. 18 Q. Okay. 19 A. p.m. 20 Q. Do you know who it was that accessed your 21 Cardlock account on the night of June 28th, 2000? 22 A. It was Nick. 23 Q. How do you know it wasn't Bruce? 24 A. Because Bruce was home with me. 25 Q. After Leah disappeared, did you help Nick</p>	<p style="text-align: right;">Page 32</p> <p>1 A. No, I didn't. 2 MR. FRANZ: Object, form of the question. 3 MR. MARSHALL: Objection, form. 4 MR. FRANZ: (Indiscernible). 5 (Court reporter clarified.) 6 MR. MARSHALL: Sorry, let me be clear on the 7 record. State is objecting as -- leading. 8 COURT REPORTER: Thank you. 9 MS. PURACAL: And was there another 10 objection? 11 MR. FRANZ: Did you get my objection? 12 MS. PURACAL: I don't think we heard you, 13 Robert. 14 MR. FRANZ: Okay. Need to slow down, then. 15 MS. PURACAL: Sure. 16 MR. FRANZ: Yeah. I'm objecting as to 17 relevancy. 18 BY MS. PURACAL: 19 Q. How much did you see about Leah's 20 disappearance on the local news? 21 A. It was on the news quite -- the first -- 22 first six weeks until her -- she was found, and even 23 shortly thereafter, just constantly every day. 24 Q. In those first few days after Leah went 25 missing, did you ever talk to the Coquille Police</p>

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<p style="text-align: right;">Page 33</p> <p>1 Department?</p> <p>2 A. In the first few days?</p> <p>3 Q. Yes.</p> <p>4 A. Just with leads that I had gotten and called 5 in to them.</p> <p>6 Q. Do you remember going to the police 7 department?</p> <p>8 A. On the one -- when Nick had -- oh, he was 9 called down to test -- or to give them some 10 information. Oh, it was on the -- excuse me. It was 11 Friday, the Friday after she disappeared. I went down 12 to the police station with Nick, and I think it was -- 13 Brent Bartley was with us, and the police just wanted 14 to give him a -- account of his timeline that night, 15 anything that he might know. And yes, I was there 16 with him for that.</p> <p>17 Q. Can you describe what that looked like?</p> <p>18 A. The area was the old jail area, the old city 19 area.</p> <p>20 (Sarah Henderson joined the 21 videoconference.)</p> <p>22 THE WITNESS: And he went down the stairs, 23 and he went into a big open room. We were sitting 24 there. She -- Dannels and -- I forgot his name -- 25 Dave Hall went with the officers in front, and me and</p>	<p style="text-align: right;">Page 35</p> <p>1 Q. And when we were talking about that meeting 2 on June 30th, this is back in 2000?</p> <p>3 A. Right. Correct.</p> <p>4 Q. So I think you might have said it was Chief 5 Dannels at that point.</p> <p>6 A. Oh, excuse me. No. Yes, it was Chief 7 Reeves.</p> <p>8 Q. Okay.</p> <p>9 A. Yeah. Sorry.</p> <p>10 Q. That's okay.</p> <p>11 At some point, did your impression of the 12 police change?</p> <p>13 MR. FRANZ: Object, irrelevant.</p> <p>14 THE WITNESS: Yes, it did. It was June -- 15 July 7th. It was two days after -- July 6th, 16 July 7th, in there. Nick had been called down to the 17 police station to -- they wanted to talk to him again, 18 so he went -- him and Bruce went down there. And I 19 was at work, and Bruce was there. Nick was testifying 20 all day long. Finally, at some point late in the day, 21 he -- because he was working on no sleep at all, and 22 he finally said he was done, and at that point, we 23 thought, well, this isn't going the way we thought it 24 was, so we got an attorney.</p>
<p style="text-align: right;">Page 34</p> <p>1 Nick were sitting there, and then Brent was sitting 2 right behind us.</p> <p>3 BY MS. PURACAL:</p> <p>4 Q. At that time, on June 30th --</p> <p>5 A. Uh-huh.</p> <p>6 Q. -- did you have any concerns about Nick 7 going to talk to the police?</p> <p>8 A. No.</p> <p>9 Q. What did you think was the purpose of that 10 meeting with the police?</p> <p>11 A. We thought they just wanted --</p> <p>12 MR. FRANZ: Object to relevancy.</p> <p>13 You have to let me get my objection in. So 14 objection, relevancy.</p> <p>15 BY MS. PURACAL:</p> <p>16 Q. Go ahead.</p> <p>17 A. See, I lose train of thought when I get an 18 objection.</p> <p>19 Q. That's okay.</p> <p>20 A. Could you repeat the question?</p> <p>21 Q. Of course.</p> <p>22 On that day, June 30th, what did you think 23 the purpose of the meeting was?</p> <p>24 A. Oh, to give them Nick's timeline and 25 anything that he may know.</p>	<p style="text-align: right;">Page 36</p> <p>1 BY MS. PURACAL:</p> <p>2 Q. And what do you mean by that it was not 3 going the way that you thought it was?</p> <p>4 A. Just that the police were being one-sided, 5 and just looking at Nick, and were not looking at, we 6 didn't think, any of the other leads. And that -- 7 that's what I think -- thought.</p> <p>8 Q. Do you remember what Nick was doing the 9 night before that interview with the police?</p> <p>10 A. That would have been -- so it was July 5th 11 that he went down there. Excuse me. It was July 4th. 12 He had -- him and Bruce had decided we had -- put 13 fliers everywhere in Coos County and Coquille and 14 North Bend area, that maybe we should try going up and 15 down 101, Highway 101; and so they headed south from 16 Bandon and spent -- stopping at every little 17 community, seeing if -- had the fliers, seeing if 18 anybody had seen her.</p> <p>19 They called late -- later that evening and 20 said they made it all the way to California, Crescent 21 City, and were thinking about turning around and 22 coming back, and they would continue the next day. 23 And so they got home -- I don't know -- wee hours in 24 the morning, and then the police department called it 25 just after -- shortly thereafter.</p>

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